

REMARKS

Reconsideration of the application is respectfully requested. Support for all of the amendments made is found in the specification as filed. Claims 1, 3-11, 14, 15 are currently pending. Claims 2, 12, 13, 16 and 17 are hereby canceled without prejudice. No new matter has been added.

In light of the restriction requirement and subsequent withdrawal from consideration of claims 16 and 17, those claims are hereby canceled without prejudice.

The Office Action objects to the drawings for failure to show reference numerals "130" and "140" as described in the specification on page 11, lines 14 and 18 and, further, notes that the reference numeral "72" in Fig. 5 fails to properly identify the hub. In response, the reference numeral "130" has been deleted from the specification thereby rendering the objection moot with respect to that numeral. Further, the numeral "140" added to Fig. 7 and the lead line from numeral "72" in Fig. 5 has been redrawn to properly identify the hub. Two sheets of formal drawings incorporating those changes are attached hereto.

In light of the amendments to the specification and drawings and these remarks, applicant respectfully requests withdrawal of the objection to the drawings.

The Office Action objects to the specification, stating that on page 8, line 3, "49" should be -70-; on line 4, "16" and "42" should be -16a- and -42a-; on page 9, line 10, "arms 70" should be -arms 58-; and on page 10, line 12, "snaps 19" should be snap -19a- and on line 14, "supports 49" should be -supports 70-.

In response, applicant has amended the specification as requested. In light of the amendments to the specification and these remarks, applicant respectfully requests withdrawal of the objection to the specification.

The Office Action rejects claims 1-15 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, in claim 1, line 9, the office action avers that it is unclear as to what "thereto" is referring. Applicant assumes the office action referred to the term "thereof" and has responded by deleting same from the specification.

Also, the Office Action avers that the recitation of "or" renders the claims indefinite because it is unclear as to which one of the two nonequivalent alternatives applicant has set forth. Applicant has amended the claims to delete "one or more" where found in favor of "at least one" language.

Further, the Office Action states with respect to claim 3 that it is unclear whether the releaseable securing means recited therein is additional to the releaseable securing means previously set forth in claim 1. In response, applicant states that these terms are referring to the same element and claim 3 has been amended to recite same definitively.

In addition, the Office Action avers that the term "the center piece" in claim 8 lacks antecedent basis. In response, claim 8 has been amended to recite -a center piece-.

Lastly, with respect to claims 11-13, the Office Action states that it is unclear how many storage devices are claimed. In response, applicant has amended claim 11 to independent form and now recites, in the pertinent part:

"...a modular storage support
system...comprising...three modular storage support
devices..."

In light of the amendments to the claims and the above remarks, applicant respectfully requests withdrawal of the rejection of claims 1-15 under 35 USC 112, second paragraph.

The Office Action states that claims 9 and 10 are rejected as being based upon a rejected base claim but allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In response, claim 9 has been amended to include the limitations of base claim 1 and intervening claims 2 and 8. Thus, claim 9 and its dependent claim 10 should now be in allowable form.

The Office Action states that claim 13 would be allowable if rewritten to overcome the rejection under 35 USC 112, second paragraph and if rewritten in independent form including all the limitations of the base claim and any intervening claims. In response, claim 11 has been amended to include the limitations of base claim 1 and claims 12 and 13. Now redundant claims 12 and 13 are hereby canceled without prejudice. Thus, claim 11 and its dependent claim 14 should now be in allowable form.

Claims 1-3, 5-8 and 15 are rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No D437,164 of Fickett in view of Angeles and Saeks et al.

For the record, present Application No. 10/043,420 and Fickett Des. Patent D437,164 were, at the time the invention of Application 10/043,164 was made, both owned by present applicant, Glenn A. Fickett of Tempe, Arizona.

Additionally, claim 1 has been amended to include the limitations of claim 2 and now redundant claim 2 canceled without prejudice. Further, the dependency of claims dependent from now canceled claim 2 has been changed to dependence on now amended claim 1.

The Office Action avers that Fickett teaches all of the limitations of the claims as illustrated in except that it does not illustrate the vertical portion telescopically received within the upper end of the base vertical portion and further does not illustrate a slidable hub. Applicant agrees with the allegation that Fickett does not teach the cited limitations, but cannot agree that Fickett teaches the remaining limitations of claim 1.

Most specifically, claim 1 now recites, in the pertinent part,

"...at least one of a plurality of differing interchangeable support arms being mounted each of the at least one hub...each of the at least one of a plurality of differing interchangeable support arms adapted to engage a corresponding plurality of differing items for support of said corresponding plurality of differing items."

The present invention is designed to allow a user to have the ability to interchange support arms to support a wide variety of items. This allows the user to employ the invention to store many differing items, not simply bicycles as in the cited references.

In contrast, none of the cited references, either singly or in combination, teach or suggest the use of interchangeable arms. Fickett, Angeles and Saeks et al. all provide a support structure which is directed toward the storage of one item. Thus there is no need, and consequently no teaching by the cited references, of the use of interchangeable arms to permit the storage of other items such as shelving, clothing, luggage, canoes or basketball hoops as claimed by the present applicant.

While Angeles does teach the storage of different items such as shelving or golf or ski equipment (see Angeles, Figs.4-6 and associated discussion at col. 4, lines 12-46), Angeles replaces its entire support structure to accommodate the differing uses. In contrast, the present invention simply interchanges the *arms* as needed.

Further, claim 1 recites:

"...at least one hub...adapted to slidably received the vertical member and the elongated vertical portion...having means for releasably securing the hub to the vertical member and the elongated vertical portion..."

Fickett does not illustrate a hub or a hub slidably received means for securing the hub to the vertical member. All Fickett shows is a support member in one location on the vertical pieces thereof. There is no teaching in Fickett for movement of same along the vertical axis, nor does Fickett teach any mechanism, let alone a hub, for securing the support member at a desired location along the vertical pieces.

The Office Action cites Saeks et al. for use of a slidable hub. However, Saeks et al. do not provide for a slidable hub as defined in the present invention. Saeks et al. simply provide channels extending the length of the Saeks et al. device which, of course, do not slide at all. The center piece 16 cited in the office action is a portion of the height adjustment mechanism which allows the use of the Saeks et al. device between floor and ceiling, it has nothing to do with mounting the supporting mechanisms.

The Saeks et al drawings (Figs. 6 and 7) are somewhat confusing. To clarify, it should be seen that the hollow body member 12 extends the length of the Saeks et al device (see Saeks et al., Fig. 1). As shown, the height adjustment member 16 is situated atop the device (Saeks et al., Fig. 1) and has nothing to do with mounting support arms thereon. Instead, external channel members 130 and 144 are provided integral with and extend the length of body member 12 (see Saeks et al., col. 8, lines 6-25). Saeks et al. then use bracket assemblies 160 and 180 to

slide up and down within channels 130 and 144 to mount the supports. It should be apparent that the Saeks et al. structure clearly differs from the hub of the present invention. For example, in Saeks et al., the user must align two opposing bracket assemblies 160 and 180 to mount an item whereas the hub of the present invention aligns the support arms automatically.

Additionally, claim 1 now recites, in the pertinent parts:

"...an L-shaped wall brace...telescopically and releasably received within the upper end...

Fickett does not illustrate the L-shaped wall brace being telescopically received within the upper end of the vertical member.

Also, claim 1 recites, in the pertinent part:

"...each of the L-shaped support legs...telescopically and releaseably received...in one of the leg portions..."

Fickett does not illustrate a illustrate the L-shaped support leg being telescopically received within one of the leg portions.

While Angeles does have one telescopically received portion, Angeles does not teach the use of three separate such junctions as in the present invention.

Further, claim 1 recites, in the pertinent part:

"...at least one support arm..."

Fickett teaches only two support arms, not at least one as in the present invention.

Claim 3 recites, in the pertinent part:

"...a quick release pin mating with a hole in the hub..."

Fickett does not teach the use of a hub or a quick release pin associated therewith to secure the hub at a desired location on the vertical member.

In light of the above amendments and remarks, applicant respectfully requests withdrawal of the rejection of pending claims 1, 3, 5-8 and 15 under the judicially created doctrine of obviousness type double patenting.

The Office Action rejects claim 4 under Fickett in view of Angeles and Saeks et al. as being unpatentable over Fickett in view of Angeles and Saeks et al. as applied to claims 1-3, 5-8 and 15 above, and further in view of Holtz.

Applicant respectfully traverses this rejection. With regard to Fickett in view of Angeles and Saeks et al., attention is directed towards the previous discussions relating to the rejection of claims under Fickett in view of Angeles and Saeks et al.

In light of the above amendments and remarks, applicant respectfully requests withdrawal of the rejection of pending claim 4 under the judicially created doctrine of obviousness type double patenting.


The Office Action rejects claims 11, 12 and 14 under the judicially created doctrine of obviousness type double patenting as being unpatentable over Fickett in view of Angeles and Saeks et al. as applied to claims 1-3, 5-8 and 15 above, and further in view of Cheng.

Applicant respectfully traverses this rejection. However, in the interests of advancing the prosecution of the present application, applicant has amended claim 11 to include the limitations of base claim 1 and claims 12 and 13 as Claim 13 was indicated to contain allowable subject matter. Now redundant claims 12 and 13 are hereby canceled without prejudice. Thus, claim 11 and its dependent claim 14 should now be in allowable form.

In light of the above amendments and remarks, applicant respectfully requests withdrawal of the rejection of pending claims 11 and 14 under the judicially created doctrine of obviousness type double patenting.

In light of the above amendments and remarks, Applicant believes that the application is now in condition for allowance such action is earnestly solicited.

Respectfully submitted,

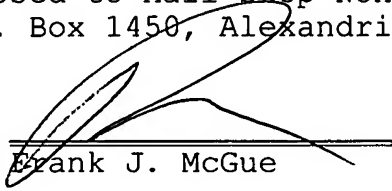


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I hereby certify that this AMENDMENT A is being deposited with the U.S. Postal Service as First Class mail, postage prepaid, in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 16, 2003.



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